

### **REMARKS**

This application has been carefully reviewed in light of the Office Action dated October 18, 2006. Claims 1, 2, 4, 6, 7, 12, 13, 16 to 18, 22, 23, 26 to 28, 32, 33, 36 to 38, and 42 remain in the application, of which claims 1, 12, 22 and 32 have been amended herein, and new claim 43 has been added. Claims 1, 12, 22, 32 and 43 are the independent claims. Reconsideration and further examination are respectfully requested.

Initially, the applicants' undersigned representative thanks Examiner Ouellette for the thoughtful courtesies and kind treatment afforded during the fruitful personal interview conducted on November 2, 2006. In the interview, the substance of the above-memorialized claim amendments and the new claim were discussed, with Examiner Ouellette agreeing that the cited references do not describe the features of automatically determining a recommendation, automatically calculating a projected cost savings, or entering a business goal to be completed. Having incorporated the substance of these features into the claims, the Applicants respectfully request withdrawal of the rejections over the cited references.

In the Office Action, claims 1, 2, 4, 6, 7, 13, 16 to 18, 22, 23, 26 to 28, 32, 33 and 36 to 38 were rejected under 35 U.S.C. § 102(e) over U.S. Patent Application No. 2002/0111887 ("McFarlane"); and claim 42 was rejected under 35 U.S.C. § 103(a) over McFarlane. Reconsideration and withdrawal of the rejections are respectfully requested.

Referring to particular claim language, independent claim 1 recites a method, including obtaining human performance related data from at least one remotely located application service provider, and organizing the data into a plurality of metrics, the plurality of metrics including non-user-modifiable individual, group and enterprise workforce metrics each comprising an indicator of individual, group and enterprise performance toward predefined workforce business goals, respectively, and user-modifiable individual, group and enterprise metrics each comprising an indicator of individual, group and enterprise performance toward personalized business goals, respectively, the plurality of metrics organized by metric category. The method further includes adding a user-modifiable individual, group or enterprise metric to the plurality of

metrics, displaying a scorecard section operable to view the plurality of non-user-modifiable individual, group or enterprise workforce metrics, displaying a metric section operable to view the user-modifiable individual, group and enterprise metrics, and displaying an intentions section operable to register a personalized business goal influenced by at least one of the plurality of metrics. The method also includes preparing an interpretation of the data organized into the plurality of metrics, the interpretation including an automatically determined recommended action or an automatically calculated estimated cost savings, displaying an analysis section operable to graphically display individual, group or enterprise performance of a metric category in comparison to an industry benchmark, and to display a list of metrics in the metric category and the recommended action or estimated cost savings, and generating a survey based upon the recommended action.

Independent claims 12, 22 and 32 recite a system, an apparatus, and a computer-readable medium substantially corresponding to the method of claim 1, respectively.

The applied art is not seen to disclose, teach or to suggest the foregoing features recited by independent claims 1, 12, 22 and 32. In particular, the applied art is not seen to disclose at least the feature that an interpretation of the data organized into a plurality of metrics is prepared, the interpretation including an *automatically determined* recommended action or an *automatically calculated* estimated cost savings.

McFarlane discloses the monitoring of an employee's online activity, to assure that employees are not spending too much company time on personal matters, and to prevent available computer resources from being consumed by non-company or personal online activity. *See* McFarlane, ¶ [0006]; and Abstract. Specifically a manager may manually monitor employee usage for the purpose of detecting the improper or excessive use of these resources. *See* McFarlane, ¶ [0046]. Nothing McFarlane is seen to describe, however, nor does the Office Action even assert that McFarlane describes, that an interpretation is prepared which includes an *automatically determined* recommended action or an *automatically calculated* estimated cost savings, as recited by independent claims 1, 12, 22 and 32. Indeed, as noted in the Interview Summary, the Examiner has concurred that "the suggested amendments would read over the [cited] prior art."

According to another general implementation, and as recited by independent claim 43 a user-modifiable individual, group or enterprise metric is added to a plurality of metrics each comprising an indicator of individual, group or enterprise performance, a business goal to be completed by a predetermined date and influenced by at least one of the plurality of metrics is entered, and human-performance related data is obtained from at least one remotely-located application service provider. Furthermore, the plurality of metrics is updated based on the human-performance related data, a progress status of the entered business goal is updated based on at least one of the updated plurality of metrics, and a recommended action that helps to complete the entered business goal is automatically determined based on the human-performance related data. Based on at least one of the updated plurality of metrics, a projected cost saving to be realized when the entered business goal is completed is automatically calculated, and an analysis section for the specified business goal is displayed, the analysis section operable to graphically display the progress status of the entered business goal, the recommended action, the projected cost saving, and the performance of at least one of the updated plurality of metrics in comparison to the entered business goal and/or an industry benchmark.

The applied art is not seen to disclose, teach or to suggest the foregoing features recited by independent claim 43. In particular, and for the reasons stated above with respect to independent claims 1, 12, 22 and 32, McFarlane is not seen to disclose, nor does the Office Action even assert that McFarlane discloses, at least the features that *i)* a business goal to be completed by a predetermined date and influenced by at least one of the plurality of metrics is entered, *ii)* a recommended action is automatically determined that helps to complete the entered business goal based on the human-performance related data, and *iii)* based on at least one of the updated plurality of metrics, a projected cost saving to be realized when the entered business goal is completed is automatically calculated.

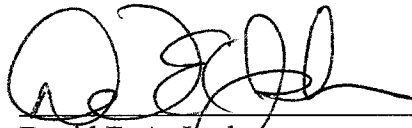
Based on the foregoing amendments and remarks, independent claims 1, 12, 22, 32 and 43 are believed to be allowable over the applied reference. The other rejected claims in the application are each dependent from the independent claims and are believed to be allowable over the applied reference for at least the same reasons. Because each dependent claim is deemed to define additional aspects of the disclosure, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

The fees in the amount of \$200.00 for the excess claims are being paid concurrently herewith on the Electronic Filing System (EFS) by way of a Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06 1050.

Respectfully submitted,

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